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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/730,577	12/07/2000	Yasusi Kanada	H-956	9644
24956	7590	10/20/2005	EXAMINER	
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314			BATES, KEVIN T	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/730,577

Applicant(s)

KANADA, YASUSI

Examiner

Kevin Bates

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

***Response to Amendment***

This Office Action is in response to a communication made on July 27, 2005.

Claim 1 has been amended.

Claims 6 and 7 have been previously cancelled.

Claims 1-5 are pending in this application.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Mohaban (6463470).**

**Regarding claim 1**, Mohaban teaches a method of transmitting a policy rule, which describes a condition and an action (Column 16, lines 14 – 21), from a policy server to a network node that is connected to the policy server via a network (Column 11, lines 14 – 20), the method comprising the steps of:

assigning a newly entered policy rule with an identifier (Column 19, lines 46 – 48; Column 20, lines 19 – 27);

detecting a policy rule existing in a repository (Column 6, lines 7 – 12) that depend on the newly entered policy rule or on the newly entered policy rule depends,

transmitting the newly entered policy rule with the assigned identifier to said network node (Column 24, lines 24 – 28),

wherein, if the detected policy rule has not been transmitted to said network node, the identifier thereof and the condition and the action described therein are transmitted with the newly entered policy rule to said network node (Column 28, lines 32 – 38); and if the detected policy rule has been transmitted with the newly entered policy rule to said network node, the identifier thereof is transmitted to said network node, but the condition and the action described therein are not transmitted (Column 28, lines 40 – 41).

receiving the policy rule or the identifier at the network node,

generating a code executable on the network node based on the transmitted policy rule or the identifier,

wherein if the same code is in the network node, the already existing code is deleted or invalidated (Column 13, lines 16 – 23, where the policy enforcer gets policy rules from the policy rule repository, and takes those policy rules and uses the new policy rules to enforce network traffic, thus they are executable by the enforcer's operating system and are replacing the old policy rules thus the old rules are no longer used making them invalidated).

**Regarding claim 2,** Mohaban teaches a method of transmitting a policy rule according to claim 1, wherein, if the detected policy rule has not been transmitted to said network node, the identifier thereof, the condition and the action described therein, and a first instruction that specifies network interface information on said network node

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to put the detected policy rule into action are transmitted to said network node; and if the detected policy rule has been transmitted to said network node, the identifier thereof and a second instruction that specifies network interface information on said network node to put the detected policy rule into action are transmitted to said network node (Column 24, lines 37 – 61).

**Regarding claim 3**, Mohaban teaches a method of transmitting a policy rule according to claim 1, further comprising the steps of: retaining the policy rules transmitted to said network node in storage of said policy server; and checking the transmitted policy rules retained in said storage to see whether the policy rule that depends on the newly entered policy rule or on any of which a new policy rule depends, detected by said detection step, has been transmitted to said network node (Column 6, lines 5 – 12).

**Regarding claim 4**, Mohaban teaches a method of transmitting a policy rule according to claim 1, wherein said step of detecting a policy rule that depends on the newly entered policy rule or on any of which a new policy rule depends detects a policy rule that references a variable defined in said newly entered policy rule or a policy rule that defines a variable that is used as a condition in said newly entered policy rule (Column 21, lines 34 – 41).

**Regarding claim 5**, Mohaban teaches a method of transmitting a policy rule according to claim 1, wherein said network node is connected to a proxy server that converts the rule transmitted from said policy server into a rule in form that the

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converted rule can be executed on said network node and said network node receives the converted rules in this form (Column 12, lines 59 – 62).

### ***Response to Arguments***

Applicant's arguments filed July 27, 2005 have been fully considered but they are not persuasive. The applicant argues that the reference only shows the processing of the rules in the policy server and not that the operation of the network node includes generating a executable code and deleting or invalidating the code of the existing code if the existing code is the same. The examiner disagrees, as seen in Column 13, lines 16 – 23, the reference Mohaban does teach the policy rules being received and executed on the network node, and processing traffic using the new policy rules when applicable.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (571) 272-3980. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KB

KB  
October 16, 2005

  
BHARAT BAROT  
PRIMARY EXAMINER